



# UYGHUR FORCED LABOR: THE ROLE WE PLAY

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*ABSTRACT: Regardless of current existing humanitarian efforts, the Uyghur population in Xinjiang, China are subject to forced labor. Human rights advocates have classified China's treatment of Uyghur people as ethnic cleansing and genocide. This humanitarian crisis has a long-written history, yet nothing effective has been accomplished. America's foreign policy, the Uyghur Forced Labor Prevention Act (UFLPA), has fallen short of its goals and failed to support those it was made to support. Approaching the second year since the creation of UFLPA, it is becoming increasingly important to alter the current trajectory. Attempts toward improving UFLPA to better support the Uyghur population are necessary for human rights movements globally. America must focus on utilizing its ability to publicly denounce countries while working toward eliminating e-commerce related to forced labor. Through my research, I propose policy change disabling the selling of forced labor goods through E-commerce websites and expanding labor laws onto offshore labor. I subsequently propose a national mindset change to repudiate countries backing China (whether willingly or not) in hiding human rights abuses.*

## Introduction

In this research paper, I will be analyzing the forced labor of Uyghur people in the Xinjiang Autonomous Region of China. I will be discussing the benefits, loopholes, and struggles of current U.S. foreign policy serving to assist Uyghurs in internment camps and forced labor situations. I argue that current U.S. foreign policy is lacking in both the economic and humanitarian aspects needed to support Uyghurs. Not to mention the existence of the Uyghur Forced Labor Prevention Act serving as an economic sanction on China. To effectively support the Uyghur population in China, a more thorough policy must be constructed. After discussing the history of Uyghurs and Xinjiang, the stakeholders involved, and the current U.S. foreign policy, I will go on to discuss policy recommendations to better combat the forced labor and humanitarian abuses on the Uyghur population.

This paper highlights and focuses on America's actions in foreign policy against

human rights abuses toward the Uyghur population. In preparation and research, I visited Washington D.C., and got the opportunity to speak directly with congresspeople, embassy officials, and prevalent NGOs. Coordinating with these influential figures, I was able to grasp the realistic struggles of U.S. foreign policy and human rights activism. Communicating with international affairs officers helped me understand the restrictions behind the current structure of U.S. foreign policy, further leading me to realize the importance of discussing its faults. This paper comes from the optimistic hope of human rights activism paired with a realistic understanding of current structural barriers.

## Background & History

Uyghurs are a group of Turkic-speaking people who originated near central Asia. Their population is considered to be followers of the Sunni Islamic religion. The Uyghur territory was absorbed into Chinese rule during the Qing Dynasty in the 18th century. Shortly after, China



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constructed the new capital, Dihua, in the area now known as the Uyghur Autonomous Region of Xinjiang, in Northwestern China. Due to the location and amount of undeveloped land, Dihua quickly became “the greatest city and center of trade in Central Asia.” (Britannica, 2023).

Following the financial significance of Dihua, came large numbers of ethnic Chinese people (Han) during the establishment of the autonomous region in the 1950s. Even while still being considered a Uyghur city at its core, the infrastructure and power exist majorly in the hands of the Han Chinese, especially after the influx of Han since the 1990s. Ever since the overtaking of the Qing dynasty, ethnic tension between Uyghur and Han populations brought about protests, violence, and discrimination. The most notable protest occurred in July 2009, reporting 200 deaths and 1,700 injuries through “knife-wielding assailants and suicide bombers” (Lotha, 2023). The CCP (Chinese Communist Party) retaliated to these protests with shootings, wide-scale arrests and most importantly, a security overhaul. In this overhaul, the government established “cameras, checkpoints, and constant police patrols in Uyghur-dominated areas” (Lotha, 2023). These cameras and checkpoints allowed for domination over the security and freedom of Uyghur people. It is not known when exactly the CCP started its ‘re-education efforts,’ however, it is estimated by experts that these efforts “started in 2014, and were drastically expanded in 2017” (Maizland, 2022).

These reeducation efforts, otherwise known as Xinjiang internment camps, are nothing less than an act of cultural genocide towards the Uyghur people. These camps attempt to wipe out Uyghur religious and cultural beliefs, while enforcing inhumane conduct such as forced labor and torture (Bureau of International Labor Affairs, n.d.).

## Living in Xinjiang

As of 2022, Xinjiang autonomous region has a population of 25.87 million people, and 11 million people, or 45%, of the population are estimated to be Uyghurs (Textor, 2023). An estimated 10 million are Han Chinese, and the remaining people fall under other Muslim ethnic groups such as Kazaks, Kyrgyz, Uzbeks, and Huis (Textor, 2023).

While the exact number will never be known, it is estimated that over one million Uyghur people have been “arbitrarily detained in the far western region of Xinjiang and across China.” (Bureau of International Labor Affairs: Against their will, n.d.). Those being detained are placed in the Xinjiang internment camps, for what the Chinese government calls “vocational education and training centers” (Maizland, 2022). Those in internment camps are stripped of their rights and identity, rarely being able to see their families, and forced to work under what is considered modern-day slavery (U.S. Department of State, 2021). These people are physically and psychologically tortured, raped, and forcibly sterilized. Those who haven’t been detained undergo constant discrimination, and most desperately seek to flee the country for their safety.

Amidst this crisis, one Non-Governmental Organization (NGO) was created to directly tackle the inhumane treatment of Uyghurs. Like any other NGO, it alone lacks the power to tackle or criticize humanitarian crimes; however, it is currently focusing on carrying the Uyghur voices and experiences that are being suppressed. This NGO, Uyghur Tribunal, was set into motion in June 2020 through a formal request by Dolkun Isa, the President of the World Uyghur Congress. In September 2020, The Uyghur Tribunal (‘Tribunal’) set out to investigate “ongoing atrocities and possible Genocide against the Uyghurs, Kazakhs, and other Turkic Muslim Populations.” (Evidence Uyghur Tribunal, 2020). The creation of the



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Tribunal is backed and supported by another NGO, the Coalition for Genocide Response. The Tribunal serves as a collection of evidence and stories from victims, as well as a center for global news about Uyghurs. This NGO holds public hearings where witnesses are allowed to present their evidence, which is live streamed to be seen around the world.

Further clarifying the role of the Tribunal, it is important to discuss the legal restrictions faced when attempting to criticize or hold the perpetrators accountable. “It is alleged that the People’s Republic of China (“PRC”) has and continues to perpetrate the most serious of international crimes against the Uyghurs, Kazakhs, and other Turkic Muslims in the Uyghur region of Northwest China... If it were realistically possible to bring the PRC to any formal international court - in particular to the International Court of Justice (ICJ) - there would be no need for the establishment of a people’s tribunal.” (Uyghur Tribunal, n.d.). The issue at hand is that although China ratified the Genocide Convention, it subsequently entered a reservation against ICJ jurisdiction. To enter a reservation when signing a law is to partially sign the agreement. In this case, China held a reservation against Article IX of the Genocide Convention. (Article IX from the Convention on the Prevention and Punishment of the Crime of Genocide/Genocide Convention cited below).

### “Article IX

Disputes between the Contracting Parties relating to the interpretation, application or fulfilment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.”

Setting a reservation against Article IX signifies that the PRC is unable to be brought to The International Court of Justice to face trial for

any alleged Genocide-related crimes, hence the importance and reason for the creation of the Tribunal. While the Tribunal doesn’t have the power to enforce or sanction, it is a group focused on reviewing evidence and reaching judgment on the state of international crimes that have been allegedly caused by the PRC. This paper uses statements and evidence brought about by the Uyghur Tribunal to highlight the humanitarian crisis at hand. The following paragraph is a summarization of the victim’s statement made to the Uyghur Tribunal and publicly released on the Tribunal’s website.

On Monday the 13th, of September 2021, Gulzire Alwuqanqizi stated her experiences as a Uyghur detained in China. Before 2017, she lived in Kazakhstan and only returned to Xinjiang to visit her daughter. However, as she landed in Xinjiang, her Kazakhstan green card and Chinese passport were confiscated, and she was detained and interrogated. Afterwards, she was dropped off at Ghulja. When she asked the Uyghur mayor for her passport back, she was told she was going to “study for fifteen days.” However, she ended up being detained “in four different facilities over the course of 437 days” (Evidence Uyghur Tribunal, 2020). In 2017, at the Yining County Vocational School, she was forced to get an injection they called the ‘anti-flu shot’. She was forced to sign an agreement and after a few days, she noticed the injection made it harder to think, and that many women had stopped menstruating after the injection. She was forced to go against her religion and eat pork while being humiliated. Gulzire was placed in a caretaker role for these women, she would have to take the fingerprints and names of women before they got violently raped. She helped the women shower afterward and made them feel safe. The men who raped these women were all Han Chinese men. The following year in 2018, she was taken back to her birthplace in Ghulja, a Uyghur village, and “forced to say nice things about the re-education centres” (Evidence. Uyghur Tribunal, 2021). Afterward, she was forced to work at a factory making



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gloves for a year. She ended up being released after a month and a half because her husband had been publicizing her case and uploading photos and videos of her detention. After almost two months, she made 220 Yuan, which is roughly equivalent to \$30. After several interrogations, she was able to return to Kazakhstan in 2019. Gulzire's experiences are only one of the millions who have been wrongfully detained in Xinjiang.

The biggest difficulty these people faced in fleeing from the Chinese government was identity. China is able to strip these people of all identification, thus making it difficult to even flee to a different country. The Chinese government has taken many different stances on its actions within Xinjiang. Originally, they denied all allegations of the existence of internment camps in Xinjiang, and now they are trying to call them voluntary vocational education. However, the select committee hearing on the Uyghur Genocide found evidence of CCP and PRC's involvement in decision-making for crimes to be committed against the Uyghurs (Select Committee on CCP, 2022). Even with China's government insisting they have discontinued any human rights violations occurring, countless studies and testimonies have proven its continuous existence.

As previously mentioned in Background & History, Xinjiang became the center of trade and is largely responsible for exports and financial improvements in China. It is important to understand the connection between the Uyghur forced labor and the benefits that China receives economically.

### Xinjiang Finance

Understanding the economic benefits and business perspective of forced labor is integral to analyzing the potential reasons why the PRC may feel keen on maintaining such a workforce. Rather than supporting or arguing against the issue as a whole, it is important to dissect the

foundations leading up to the issue. Such as, a reason there may be a major need for labor.

To establish this need for labor it is important to examine the current workforce in China, additionally, external contributors to workload or economy. East Asian countries such as Japan, Korea, and China, have been experiencing shrinking populations and workforce declines due to their declining national birth rates. Schöttli reported that China, Japan, and South Korea have the largest elderly population and lowest fertility rates. Stating that 12% of China's population (166 million people) are older than 65 years old, and a 0.49% decrease in growth rate (Schöttli, 2023). For Japan specifically, this has led to new migration policies. According to a legal archive in Osaka, Japan, 2023 brought immigrant policy revisions that allowed for a broader definition of refugee status (HURIGHTS OSAKA, 2023). These countries can be seen seeking newer and more experimental methods of expanding their workforce to compensate for population declines. Additionally, China is the largest recipient of outsourced American labor (Hammer, 2017). Offshore outsourcing of labor is when a company hires workers and moves jobs outside of their own country. In this case, many American companies are outsourcing manufacturing jobs to China due to "lowered manufacturing wages between 47 to 86 percent." (Peralta, 2014). In this day and age, where technological advancements connect people worldwide, it has become increasingly simple to outsource labor to countries like China. At this point we have established two main ideas: China is losing its workforce, and work from other countries is being outsourced to China.

These ideas imply that China is desperately in need of a workforce to fulfill the work that needs to be done. Xinjiang is seen as a major trade center, and the Chinese government wishes to maintain China's image as a major economic force. Now, onto the how and what. How are they going to obtain a higher





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workforce and what are they willing to do to maintain their economic power? Another major topic being discussed in China is the One-Child Policy they previously had established. Currently, China is moving away from this and seeking to incentivize childbirth to increase its national birth rate and future workforce. These policy changes are important for China and will improve its workforce in the long run undoubtedly. However, what can be done right now? The Chinese government has been in a long quarrel with the Uyghur people, the surveillance and threats were only exaggerated after the presumed start of Xinjiang internment camps in 2014. Now China has this large, alienated population that could majorly benefit their declining workforce. The Uyghur's sedentary lifestyle had been preserved for centuries. Meaning they had already been specializing in work such as growing several crops such as cotton, and industrial jobs such as petroleum extraction, mining, and manufacturing. China is making use of the Uyghur population in Xinjiang to create forced labor that brings China significant economic benefits.

The benefit of the Uyghur population to China's declining workforce is their exploitability. China already has a lower rate of income compared to other countries, however, with forced labor they can pay Uyghur people little to no money in exchange for leaving them alive. A website called Radio Free Asia (RFA) gives a lot of recent news about the Uyghur people in China. RFA managed to get into contact with a Uyghur laborer working at Qinghua Energy Company and interviewed about the working conditions (Hoshur, 2022). Since 2009, a man has worked as a coal miner and maintenance worker, receiving a monthly salary of 1,500 yuan (\$217). While he has worked day and night for years without sick leave, he hasn't even earned 5,000 yuan in total yet. Taking a day off costs the worker a majority of their salary. He is forced to live at the worksite and work from early morning until night. He has worked there for 10 years now and working conditions have not changed. Because

of the working conditions, he has fallen severely ill, making it harder for him to work. A security director, who was also a CCP official, "Told RFA that Uyghur workers at the plant usually are paid a monthly salary of about 1,000 yuan... He also praised Qinghua Energy for providing employment opportunities to Uyghurs" (Hoshur, 2022). Not only is the Uyghur population exposed to inhumane working conditions, but they are treated as if the job itself is a great honor due to the discrimination they face. When RFA later tried to contact the company for an interview, they were told they would not do online interviews and would like RFA to come to the factory. The little information we have on the working conditions is further restricted by China's media and ability to censor information they would see as harmful to the country.

### Exploited Exportations in China

Many goods are being exported from China as a result of child or forced labor. Not only by the Uyghur people but by exploited laborers all around the country. On the next page, you will find a summarized list I made of banned exported goods from China, the means of exploitation, and who is being exploited; Case relevant data from the Bureau of International Labor Affairs subdivision of the U.S. Department of Labor (List of goods, n.d.). The data is relevant in understanding the abundance of forced labor exportations throughout China, not just among the Uyghur people.



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Exported Goods	Exploitation Type	Exploiting who?
Polysilicon	Forced Labor	Uyghur, ethnic Kazakhs, Muslim minorities
Electronics	Child/Forced Labor	13-15 year olds, children from Henan, Shanxi, Sichuan provinces.
Solar Modules	Forced Labor	Parts used in Solar modules are made by forced labor, such as Polysilicon, photovoltaic ingots/wafers, solar cells, and more.
Hair Products	Forced Labor	Uyghur, ethnic Kazakhs, Muslim minorities
Cotton	Child/Forced Labor	Students in Xinjiang and Gansu province are forced to pick cotton as early as third grade as a way to assess their promotion to higher grade levels.
Lithium-Ion Batteries	Child Labor	Parts used in Lithium-Ion Batteries are made by Child labor, using cobalt ore mined in the Democratic Republic of the Congo.
Textiles	Child/Forced Labor	Uyghur, ethnic Kazakhs, Muslim minorities
Photovoltaic Ingots	Forced Labor	Parts used in Photovoltaic Ingots are made by forced labor using polysilicon.
Thread/Yarn	Forced Labor	2,000 adult Uyghurs and Ethnic Kazakhs, moved to yarn factories in Xinjiang
Toys	Child/Forced Labor	13-16 years old, children in Sichuan, Guangxi, primarily in Guangdong areas
Photovoltaic Wafers	Forced Labor	Parts used in Photovoltaic Wafers are made by forced labor using polysilicon.
Fish	Forced Labor	3,000 fishing vessels, migrant workers from Indonesia and Philippines
Tomato Products	Forced Labor	Uyghur, ethnic Kazakhs, Muslim minorities.
Bricks	Child/Forced Labor	8-17 years old, children in Shanxi and Henan provinces.
Solar Cells	Forced Labor	Parts used in Solar Cells are made by forced labor using polysilicon.
Gloves	Forced Labor	1,500-2,000 ethnic minority workers sent to glove factories, Uyghur ethnic Kazakhs, Muslim minorities.

(Figure 1: Made by Liam Hunter, sourced from “list of goods.” U.S. Department of Labor)



### Stakeholders

Aside from the clear stakeholders, those being the Uyghurs and Han Chinese in Xinjiang, as well as the PRC/CCP, many others are either directly affecting the situation or indirectly being affected by these atrocities. Stakeholders include government entities, as well as whole populations, but not exclusive to international brands and corporations.

### Uyghur Populations

Needless to say, Uyghur populations throughout the world are affected by the Xinjiang internment camps within China. The capital of Xinjiang and many surrounding villages is considered to be the homeland of Uyghurs. Similar to the experience of Gulzire Alwuqanqizi highlighted earlier in this paper, many Uyghur people have families who remain in Xinjiang. However, the risk of detainment has made returning to Xinjiang safely, impossible. With the current geopolitical situation, it is hard to determine where Uyghur people can safely hide. Many countries willingly, or unwillingly, support the detainment of the Uyghur population and deport those found outside of China back to China. The power that China has in this world puts Uyghur people all around the world at risk. Amnesty International describes the feeling of Uyghurs globally as “Nowhere feels safe” (2022). Describing that a majority of Uyghur people live in neighboring countries, such as Kazakhstan, Kyrgyzstan, Uzbekistan, and Turkey. Outside of the Xinjiang area, there is an estimated 1-1.6 million Uyghurs (Amnesty International, 2022). Until the humanitarian crisis is solved, these people will undoubtedly live a life of fear. Amnesty International reports that China is taking intimidation campaigns abroad. Many of them have contacted authorities regarding Chinese intimidation tactics using social media and informants to harass Uyghurs and attempt to detain them.

### Other Countries

Current geopolitical situations make creating public stances on the matter of Uyghur discrimination difficult. Economic and political struggles exist between America and China, trickling down to their respective beneficiaries. The risk of losing influence over voicing a potentially controversial stance leaves external countries better off staying undecided, whether being certain of a choice or not. Amidst this fear and risk, many countries have taken firm stances or conducted legal processes either in support of or indirectly harmful to the Uyghur population.

#### *Canada*

In January 2021, “Canada announced new measures to help address the risk of being complicit in human rights abuses in Xinjiang, China” (Government of Canada, 2022). Canada takes a similar stance to America. The International Labour Organization attempts to educate the public on the situation in Xinjiang while pushing for the limiting of exports coming from forced labor in China.

#### *Morocco*

On December 15th, 2021, “the Moroccan Court of Cassation ruled in favor of Idris Hasan’s extradition” (Morocco, 2023). In response, Amnesty International and other NGOs sent a joint letter to the Prime Minister of Morocco to cancel the extradition. While this letter managed to put the extradition on temporary hold, many fear Idris Hasan will be sent back to China. “Idris Hasan has been detained at China’s request since July 2021” (Morocco, 2023). In 2023, Idris remains under Moroccan custody in solitary confinement.

#### *Egypt*

According to the UN Refugee Agency, Egyptian police rounded together and detained Uyghur students living in Cairo. Students were detained in their homes, restaurants, and



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even at airports. Since July 4th, 2017, more than 200 Uyghur students have been detained and deported. International law “requires that people living in foreign countries not be returned to situations in which they are likely to face persecution”, said Sophie Richardson, the China Director for Human Rights Watch (Radio Free Asia, 2017).

### *Russia*

In 2022, a similar humanitarian crisis occurred in Ukraine. Human Rights Watch reports that the Chinese government’s repression in Xinjiang is as much of a concern as Russia in Ukraine (Roth, 2022). In Russia, compulsory labor was introduced as a form of criminal punishment in 2017. Freedom United refers to Russia’s commercialization of forced labor in prisons as well as profiting from wartime as “prison slavery” (Moscow Times, 2023). Based on recent events and the reactions from within the country, it can be inferred that Russia may take China’s side and see the atrocities against Uyghurs as no concern to humanitarian laws.

### *Saudi Arabia*

Saudi Arabia is considered a key ally of China and has shown support for Beijing’s crackdown on Uyghur culture. In 2019, “Saudi Crown Prince Mohammed bin Salman, the country’s de facto ruler, told his hosts: “We respect and support China’s rights to take counterterrorism and de-extremism measures to safeguard national security” (Jardine, 2022). Afterwards, Saudia Arabia goes on to endorse China’s Xinjiang policies in two joint letters sent to the United Nations in 2019 and 2020.

### *International Companies*

Another major stakeholder in the Xinjiang internment camps is international companies. While America is considered to have the largest economy, China has the largest consumer class populous, with 899 million people (Wolfgang et al., 2023). Meaning to any international

company, being blacklisted from China could have devastating impacts on profits. However, regardless of this, many major companies are critiquing the human rights violations in China. H&M, Nike, New Balance, Uniqlo, Adidas, and many more major companies have spoken against the Xinjiang forced labor. In retaliation, China has started a national boycott against these companies. These boycotts censor and erase these companies from Chinese search engines, stopping Chinese citizens from purchasing anything from these international companies. Human Rights Watch puts to question what will happen as companies like Nike and H&M see their stock fall, highlighting how big of an impact the Chinese consumer population has on international companies (2021). Some companies have retracted their statements in fear of these boycotts. According to Human Rights Watch in 2021, many companies have either taken down their statements or stood with China and voiced their use of Xinjiang goods. Inditex (owner of Zara), PVH, and VF have all taken down their statements against Uyghur forced labor. Fila and Hugo Boss stated in March of 2021 that they will continue to use cotton from Xinjiang (Human Rights Watch, 2021).

International companies are stuck in a dilemma. The financially beneficial option for them is to support Uyghur forced labor, by doing this they will gain access to cheaper cotton exports as well as the ability to sell products in China. However, the ethical option is to speak against China, which will result in losing all trade with China, causing stocks to decline, profits to sink, and cost of production to increase. Regardless of where the company is from, the financial risks create barriers to decision making based on morality.

### *American Companies*

International company or not, restrictions set by the government must be followed. American companies have to follow Uyghur Forced Labor Prevention Act (UFLPA) laws that were made





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effective on June 21st, 2022. In the following section, UFLPA will be analyzed in more depth. The UFLPA restricts the importation of goods into the United States that were manufactured wholly or in part by forced labor in the Xinjiang Uyghur Autonomous Region. American companies are given two different options; stay neutral or stand against Uyghur Forced Labor. They are federally forced to abide by these laws and stop the usage of any goods from Xinjiang; however, this does not mean they need to publicly stand against China. They are still allowed to stay neutral to maintain selling goods in China. With the growing focus on humanitarian rights and social activism throughout the United States, many companies that don't publicly stand against forced labor, not to mention those who support it, will be negatively seen within America. The position or stance they decide to make again lies in moral righteousness. This law restricts these American companies, however, this does not in any way protect them from the Chinese boycotts or financial downfall that could ensue.

### Uyghur Forced Labor Prevention Act

The Uyghur Forced Labor Prevention Act (Public Law No. 117-78) uses Section 307 of the Tariff Act of 1930 to legitimize their need for enforcement towards goods produced in Xinjiang. Section 307 of the Tariff Act of 1930 “prohibits importing any product that was mined, produced, or manufactured wholly or in part by forced labor, including forced or indentured child labor” (Congressional Research Service, 2023). Additionally, this act utilizes the Forced Labor Enforcement Task Force (FLETF) to ensure strategies toward such prohibitions are created and thoroughly enforced. In this act, there are 6 statements; these 6 statements can be found cited below from Public Law 117-78 (UFLPA):

1. To strengthen the prohibition against the importation of goods made with forced labor...
2. To lead the international community in

ending forced labor practices wherever such practices occur through all means available to the United States government...

3. To coordinate with Mexico and Canada to effectively implement Article 23.6 of the United States-Mexico-Canada Agreement to prohibit the importation of goods produced in whole or in part by forced or compulsory labor...

4. To actively work to prevent, publicly denounce, and end human trafficking including with respect to forced labor...

5. To regard the prevention of atrocities as it is in the national interest of the United States, including efforts to prevent torture, enforced disappearances, severe deprivation of liberty, including mass internment, arbitrary detention, and widespread and systematic use of forced labor...

6. To address gross violations of human rights in the Xinjiang Uyghur Autonomous Region...

- a. Through bilateral diplomatic channels and multilateral institutions

- b. Using all the authorities available to the United States Government, **including visa and financial sanctions, export restrictions, and import controls.**

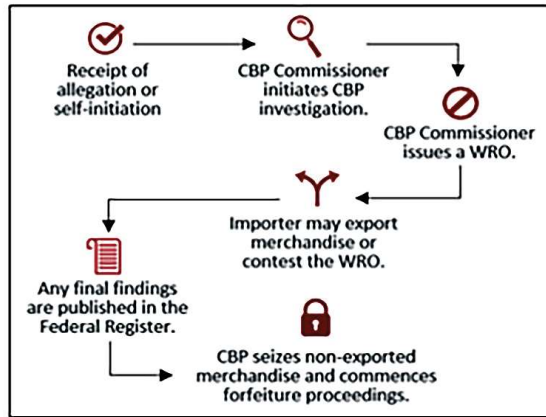
This legislation was initiated on June 21st, 2022. UFLPA overhauls how the U.S. tackles imports in two critical ways. The first is by determining that “any goods, wares, articles, and merchandise mined produced or manufactured wholly or in part” (Flacks, 2022) in Xinjiang should be assumed to be a product of forced labor. The second is the pressure placed on the Forced Labor Enforcement Task Force to develop strategies to prevent such importation.

The current strategy that is being adopted by the FLETF is to work with the U.S. Customs and Border Protection (CBP) to conduct inspections on shipments entering the United States. Using Section 307 of the Tariff Act of 1930 to enforce and apply the UFLPA, the CBP is tasked with determining and ensuring goods



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that are created through forced labor are not allowed into the United States. In a figure made by the Congressional Research Service (Figure 2, 2024), the method of applying Section 307 is shown. This 6-step process serves as a foundation for how the CBP will inspect shipments and determine the validity of allegations.



(Figure 2: Application of Section 307 from CRS)

The UFLPA serves as step 1, ‘Receipt of allegation or self-initiation’, prompting CBP to initiate an ongoing investigation. The CBP commissioner then confirms the validity of the allegation before initiating the investigation (step 2). In the case of UFLPA and goods exported from Xinjiang, the CBP is tasked by the FLETF to conduct a continuous investigation on any shipments coming into the U.S. If the CBP detects shipments that are prohibited by UFLPA regulations, they will issue a withhold of release of such goods (WRO). From there, the importer is allowed to either contest the WRO or export the merchandise to a different country. UFLPA ensures that the WRO cannot be contested, forcing the importer to export the merchandise elsewhere. Afterwards, according to step 5 of Figure 2, any findings are then published in the Federal Register. This thorough process allows us to determine the exact amount of denied shipments and restricted importations that have occurred since the enactment of UFLPA.

The CBP website contains a section devoted specifically to the statistics of the ‘Uyghur Forced Labor Prevention Act Enforcement’. This interactive data chart gives an up-to-date analysis of the total amount of shipments that came and were denied, as well as released. Focusing on the expected monetary value of such shipments while documenting what type of products were being shipped. Interestingly enough, the CBP has found forced labor products from Xinjiang being shipped from countries all around the world: Malaysia, Vietnam, China, Thailand, Mexico, and others. It is inferred that products from Xinjiang are shipped to warehouses in neighboring countries to attempt to bypass UFLPA regulations. According to the statistical evidence found on CBP, 6,045 shipments have been inspected. While 983 shipments are still pending official inspection, 2,598 shipments have been denied after finding content made as a product of forced labor. The remaining 2,464 shipments were inspected and cleared to be safely allowed into America (UFLPA Statistics, 2022). The importance of these statistics to the research conducted in this paper lies in the 2,598 shipments that were denied.

Of the 2,598 shipments that were denied, 942 contained electronics, 744 contained industrial and/or manufacturing materials, and 577 contained apparel, footwear, or textiles (UFLPA Statistics, 2022). These three categories of shipments are the most common shipments found to be created through forced labor. However, five smaller categories are still noteworthy mentions; 151 shipments contained pharmaceuticals, health, and chemicals, 78 contained agriculture or prepared products, 48 contained machinery, 39 contained consumer products and mass merchandising, 33 contained automotive and aerospace-related products, and 32 contained base metals (UFLPA Statistics, 2022). The total value of these denied shipments adds up to \$560,898,399. According to the current statistics and information gathered by the CBP, the UFLPA seems to be effective



in restricting products created through forced labor; however, this is not entirely the case.

To understand the flaws of this current preventative strategy, we must inspect the instructions of the CBP. The CBP has a whole section dedicated to the rules and regulations behind internet purchases. The most important portion of these rules can be found under the “Postal Service, Couriers, and Freight” section, “if the item is less than \$2,500 in value, and is not subject to a quota or is not a restricted or prohibited item, a CBP official will usually prepare the paperwork for importing it, assess the proper duty, and release it for delivery... Packages whose declared value is under \$800 will generally be cleared without any additional paperwork prepared by CBP” (Internet Purchases, U.S. Customs and Border Protection, n.d.). This rule establishes the biggest loophole allowing forced labor goods to enter the United States. The quote establishes that goods under \$2,500 are briefly inspected, while anything under \$800 is not inspected at all. This rule implies that merchandise under \$800, privately shipped to individuals making purchases online, is exempt from UFLPA regulations. There is no means of inspecting such merchandise and it would require an immeasurable amount of labor to inspect each delivery. CBP states that we must be aware of purchases and regulations on our own, for it is out of their control. When we make purchases online through foreign entities, we are subject to becoming the importer of that good.

This loophole allows for Chinese platforms, such as AliExpress, Shopify, Shein, and Temu, to bypass UFLPA regulations and deliver merchandise produced through forced labor into America (Prasso, 2023). According to Sheridan Prasso on Bloomberg, Temu launched in the U.S. app stores in September 2022. Within a month the app became the most downloaded app on Apple Inc.’s U.S. App Store. Temu is a Chinese e-commerce platform that sells a wide variety of merchandise at a fraction of the price

of American stores. The monetary difference created an incentive to use Temu alongside or alternatively to companies such as Amazon. However, according to countless financial analyses done on Temu, the products have been linked to forced labor in Xinjiang. The reality of the situation is that products within America are expensive. The vast majority of Americans jump at the opportunity to obtain products for cheaper regardless of the product’s origin. This reality has created a simple, yet major loophole within the FLETF’s strategy to prohibit goods created by forced labor under UFLPA. These China-based e-commerce websites use this internet purchase loophole to bypass regulations and gain profit off of forced labor within China.

This raises questions regarding the effectiveness of UFLPA. While it cannot be denied that the UFLPA has managed to prevent \$561 million worth of merchandise from entering America, are export regulations and economic sanctions truly going to solve the issue at hand?

### Discussion

Now that I have prefaced and established the information needed to create logical arguments towards solutions, I will be discussing the need for change or improvement of UFLPA to better achieve its projected goals. I will do this by highlighting needs and potential solutions toward abolishing the forced labor of Uyghur people. I will discuss three potential solutions for ending Xinjiang internment camps and Uyghur forced labor. The first will be a human rights-focused direct approach. The second and third will both be indirect approaches focused on economic and policy-based solutions respectively. The first builds off the idea of putting the need for humanitarian criticism first, creating a central opinion towards Chinese atrocities and condemning nations that support the violations. The second and third approaches both intend to combat human rights violations in China indirectly, by eliminating the economic



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benefit of forced labor, elaborating and adding onto the current UFLPA strategies. The second approach considers regulating and cracking down on the e-commerce market. The third approach discusses the benefit of policy restrictions towards offshore outsourcing of labor.

### **First Approach: Humanitarian Criticism**

The first approach discusses our lack of success in statement 2 of UFLPA. Statement 2 states that the United States government will do everything in its power to lead the international community in ending forced labor practices. As a strategy to accomplish statement 2, statement 4 describes the U.S. government's focus on actively working to prevent, publicly denounce, and end human trafficking. In this regard, we have been entirely unsuccessful in ending the forced labor practices on the Uyghur people. This approach discusses an added focus on the fourth statement, utilizing our ability to publicly denounce other countries who support Xinjiang internment camps. By utilizing our ability to publicly denounce other countries, the U.S. government can forcibly gain the support needed to make change.

In October 2022, we saw a failed attempt by the U.N. Human Rights Council to debate the Uyghur treatment in China. Out of the 47 countries present in this vote, 19 voted against. 17 countries voted for the debate to occur and 11 abstained. The United States was among the countries that voted for the debate to occur (Forge, 2022). The defeat caused a setback stopping a debate from occurring to criticize the forced labor on Uyghurs. Among the countries who voted against were Muslim-majority countries such as Indonesia, Somalia, Pakistan, UAE, and Qatar. Countries that abstained include India, Malaysia, and Ukraine. I estimate the decision of this debate heavily affected our ability to help Uyghurs in internment camps and abolish such behaviors. If the United States truly wishes to do everything in its power, it

must stand strong and scrutinize those working against the importance of human rights.

As the largest economy in the world, America holds a lot of geopolitical power. Even without sanctions or restrictions, America can gain a strong following in decision-making using its extensive alliances. Are these alliances only important for maintaining our well-being? Could we also use the alliances to put pressure on those who may vote against or abstain from voting to discuss these important issues? If we truly want to solve the humanitarian crisis in China, and we truly are concerned for those going through forced labor, then the United States needs to put its foot down and make those around it do the same. The first step after facing defeat at such an integral vote should have been to critique the countries who stand to deny the atrocities in Xinjiang. More opportunities will likely come in the future, where such decisions need to be made. The only risk to publicly denouncing those who vote against the need to discuss the human rights crisis in Xinjiang is losing potential or existing alliances. So what? Why must we care about losing alliances with people who do not care about the well-being of people? On a smaller scale, why must we care about losing a friend who goes against the morals that define us? If the United States does not protect its definition and goals, there will only be uncertainties and power struggles in its future. The concern for losing geopolitical power is understandable, however, if our only intention is to maintain and become the strongest power in the world, it is only a matter of time before that power is ripped from beneath us. Therefore, it is increasingly important for the United States to make a stand for human rights and criticize other countries who do not do the same. The existence of contradictory and untrustworthy governments only ends in doom.

While in D.C., I realized the consensus of legislators is obvious, they are scared. They fear nothing more than to lose in the geopolitical power struggle against China. The fear of losing





power will create human rights issues we cannot solve; however, it is that very fear that creates an uninfluential and weakened government. The United States needs people prepared to stick to their beliefs and cast away contradictions for the benefit of their position.

### **Second Approach: Restricting E-Commerce**

When discussing the loopholes of CBP, I established the bypassing of UFLPA regulations using E-commerce websites. With the growing influence of the internet and the ability to shop online, guidelines must be set in place to ensure ethical conduct. The main focus of UFLPA, as highlighted in Statement 1, states the focus to strengthen the prohibition against the importation of goods made with forced labor. While the current strategy to inspect shipments is effective, more can be done. The current strategy is capable of regulating larger-scale exports; however, it is entirely ineffective towards smaller-scale, individual-consumer purchases. The existence of e-commerce websites such as AliExpress, Shien, Shopify, and Temu allows the risk of sketchy business practices. Consumers will unknowingly purchase products that may be counterfeit, produced through forced labor, or dangerous. For the sake of this paper, we will focus on the fact that such products are produced through forced labor.

The main selling point of the products on these platforms is the cheap pricing. People frequent such platforms due to the ease of access and cost of goods. However, the reason these goods cost so little is because they are sourced from forced labor. In late 2022, the website Temu, gained a large consumer base after people realized the products they purchased were delivered to their houses. The danger of human nature is that such a platform's popularity spread like wildfire. These websites often disregard important information such as where the products were created. Bypassing many business regulations within America, such as requiring the descriptions of manufacturers and products. My second

approach connects the existence of e-commerce websites with the importance of forced labor in tyrant countries.

Regardless of UFLPA regulations, Xinjiang products made through forced labor can be sold in America. If the ability to sell such products exists, there will forever be a reason to maintain forced labor in China. To eliminate the humanitarian crisis indirectly, we must eliminate that reason. For an economic restriction to solve such a devastating human rights violation, the restriction must cover every basis. Currently, the FLETF is not covering every basis necessary to potentially solve the human rights issue. Therefore, in addition to maintaining the regulations of UFLPA, we must create additive measures. One of those measures to potentially decrease the necessity of forced labor in Xinjiang would be to create strict guidelines and responsibilities for e-commerce websites. The best-case scenario would be to eliminate the use of e-commerce websites within the United States. However, this is likely impossible, therefore we must target a more plausible solution. That being, to mandate the products sold on e-commerce sites.

We can start to create restrictions by setting monetary restrictions on e-commerce transactions that are traveling through or into America. These transactions may require clear evidence of the transaction logs, developing studio/factory, and dealer information. Without a clear establishment of these three pieces of information, merchandise should be prohibited from being sold on e-commerce websites within America. If we can make the process of selling goods on e-commerce websites more difficult, we should be able to weaken platforms used to sell suspicious merchandise. Inherently diminishing the amount of goods produced through forced labor that enter America.

In Washington D.C. I encountered the importance of multilayered policies and plans rather than a simple sanction. Human rights



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advocates and legislators alike voiced their concern for the ineffectiveness of sanctions at fully solving a problem. Often lacking the correct audience or level of depth needed to solve the humanitarian issue. By adding additional measures such as these to our current export regulations, the United States can further minimize the amount of forced labor goods entering the country.

### **Third Approach: Limiting Offshore Outsourcing**

Building off of the concerns regarding statement 1 of UFLPA, discussed in the Second Approach: Restricting E-Commerce, my third approach discusses the importance of maintaining a national job market and strengthening the economy to eliminate e-commerce. Similarly to the last approach, I will recommend this policy in addition to the current UFLPA regulations and more. The main factor in American usage of e-commerce is the cheaper prices. However, if the American economy was less inflated and monetary struggles were less prevalent, the need for relying on the cheaper prices of e-commerce goods would become irrelevant. If there is no need to purchase such goods, the need for forced labor to develop those goods would disappear. Inherently eliminating the need for Uyghur forced labor in the Xinjiang market.

Two significant changes could occur if we eliminate offshore outsourcing of American labor. As previously stated, many American jobs are outsourced to China due to the cheap labor. This is possible due to the lack of international regulations for American companies regarding labor. This clear double standard regarding the abuse of forced labor not only removes job opportunities for Americans but also lowers the company's need to maintain competitive salaries for jobs. Many manufacturing jobs within America struggle with the existence of cheaper labor in China. If we can eliminate American companies from being able to pay cheaper salaries for offshore workers, we can

eliminate the need to outsource work. If we don't outsource labor, we can increase job opportunities within America and increase worker wages. The increased amount of jobs and wages will discontinue the need to rely on cheaper products from e-commerce companies that rely only upon forced labor in Xinjiang. Thus, further eliminating the need for forced labor in Xinjiang. As I've mentioned many times before, an economic sanction could solve the humanitarian crisis if we can cover every basis and ensure that the need for forced labor becomes irrelevant.

During my research in Washington D.C. I saw the ideals and intentions of many influential legislators. The common statement surrounded the idea that a populous will not move if not motivated economically. A foreign policy will not be passed simply on the need for ethical change. Therefore, we must create such economic incentives to destabilize the usage of forced labor while further advocating the abolishment of such abuses.

### **Conclusion**

As discussed throughout my paper, the atrocities towards the Uyghur population must not be overlooked. Within China there lies an evident humanitarian crisis and U.S. foreign policy is not doing enough to solve or criticize this issue. I suggest these three policy recommendations in addition to UFLPA to better achieve the goals outlined in the UFLPA statements while also furthering the fight against Uyghur forced labor. Keeping in mind the difficulty of applying such policies, I wish to leave you, the reader, with a simple choice that will inherently help those suffering from forced labor in China. Stop purchasing from Chinese e-commerce websites like Temu, AliExpress, and Shein. Within America, if we can boycott these companies, we could eliminate the profit China is gaining from forced labor sources. We are currently researching and experiencing the dangers of purchasing from these companies



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with the existence of invasive bugs and creatures being found in shipments. Not only can we help the fight against forced labor by not purchasing from these companies, but we can also protect ourselves from the risk of exposing ourselves to health hazards through shipments.

### References

Bureau of International Labor Affairs. (n.d.). Against their will: The situation in Xinjiang. *DOL*. <https://www.dol.gov/agencies/ilab/against-their-will-the-situation-in-xinjiang>

Britannica, T. Editors of Encyclopaedia (2023, November 26). Ürümqi. *Encyclopedia Britannica*. <https://www.britannica.com/place/Urumqi>

China: Companies should resist Boycott Threats. *Human Rights Watch*. (2021, August 26). <https://www.hrw.org/news/2021/03/27/china-companies-should-resist-boycott-threats>

Congressional Research Service. (2023, October 25). Section 307 and imports produced by forced labor - *CRS reports*. <https://crsreports.congress.gov/product/pdf/IF/IF11360>

Convention on the Prevention and Punishment of the Crime of Genocide, *United Nations*, New York, as available on [https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1\\_Convention%20on%20the%20Prevention%20and%20Punishment.pdf](https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment.pdf)

Evidence. *Uyghur Tribunal*. (2022, September 20). <https://uyghurtribunal.com/statements/>

Flacks, M & Songy, M. (2022). The Uyghur Forced Labor Prevention Act goes into effect. *CSIS*. <https://www.csis.org/analysis/uyghur-forced-labor-prevention-act-goes-effect>

Forge, Emma. “U.N. Body Rejects Debate on China’s Treatment of Uyghur Muslims in Blow to West | Reuters.” U.N. Body Rejects Debate on China’s Treatment of Uyghur Muslims in Blow to West, *Reuters*, 6 Oct. 2022, [www.reuters.com/world/china/un-body-rejects-historic-debate-chinas-human-rights-record-2022-10-06/](http://www.reuters.com/world/china/un-body-rejects-historic-debate-chinas-human-rights-record-2022-10-06/).

Government of Canada. (2022, April 6). Government of Canada. *GAC*. [https://www.international.gc.ca/transparency-transparence/study\\_forced\\_labour-etude\\_travail\\_force.aspx?lang=eng](https://www.international.gc.ca/transparency-transparence/study_forced_labour-etude_travail_force.aspx?lang=eng)

Hammer, Alexander. “The Size & composition of Usmanufacturing Offshoring in China.” *USITC Executive Briefings on Trade, Office of Economics*, June 2017, [www.usitc.gov/publications/332/executive\\_briefings/sizecompositionebot.pdf](http://www.usitc.gov/publications/332/executive_briefings/sizecompositionebot.pdf).

HURIGHTS OSAKA. (2023). Japanese immigration law in 2023: Changes and issues:Japanese Immigration Law in 2023: *Changes and Issues* <https://www.hurights.or.jp/archives/focus/section3/2023/09/japanese-immigration-law-in-2023-changes-and-issues.html#:~:text=A%20new%20provision%20in%20the,%22overstayed%22%20their%20visa>).

Hoshur, S. (2022, November 14). Low pay, long hours for Uyghurs in Chinese-owned plant in Xinjiang. *Radio Free Asia*. <https://www.rfa.org/english/news/uyghur/qinghua-energy-09012022134727.html>

Internet purchases. U.S. *Customs and Border Protection*. (n.d.). <https://www.cbp.gov/trade/basic-import-export/internet-purchases>

Jardine, B. (2022, March 24). The Arab world is complicit in China’s crackdown on uighurs. *Time*. <https://time.com/6160282/arab-world-complicit-china-repression-uighurs/>

Kashgarian, A. (2023, January 6). VOA interview: Uyghur Emigre describes life in China’s Xinjiang in 2022. *Voice of America*. <https://www.voanews.com/a/voa-interview-uyghur-emigre-describes-life-in-china-s-xinjiang-in-2022-/6906747.html#:~:text=Over%2011%20million%20Uyghurs%20live,population%2C%20live%20in%20the%20region>.

List of goods produced by child labor or Forced Labor. *DOL*. (2022, September 28). [https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods-print?items\\_per\\_page=10&combine=china&field\\_exp\\_exploitation\\_type\\_target\\_id\\_1=All&tid=All&field\\_exp\\_good\\_target\\_id=All&order=name&sort=asc](https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods-print?items_per_page=10&combine=china&field_exp_exploitation_type_target_id_1=All&tid=All&field_exp_good_target_id=All&order=name&sort=asc)

Lotha, G. (2023, July 3). Uyghur. *Encyclopædia Britannica*. <https://www.britannica.com/topic/Uyghur>



## Hunter

- Maizland, L. (2022, September 22). China's repression of Uyghurs in Xinjiang. *Council on Foreign Relations*. <https://cfr.org/backgrounders/china-xinjiang-uyghurs-muslims-repression-genocide-human-rights>
- Morocco: Detained Uyghur must not be transferred to China. *Amnesty International*. (2023, July 20). <https://www.amnesty.org/en/latest/news/2021/09/morocco-detained-uyghur-must-not-be-transferred-to-china/>
- Moscow Times. (2023, August 17). Russian revenue from forced prison labor doubles in value. *FreedomUnited.org*. <https://www.freedomunited.org/news/russian-prison-labor-revenue-doubles/>
- Peralta, K. (2014, December 11). Outsourcing to China cost U.S. 3.2 million jobs since 2001. <https://www.usnews.com/news/blogs/damine/2014/12/11/outsourcing-to-china-cost-us-32-million-jobs-since-2001>
- Prasso, S. (2023, June 13). Temu sells products in US linked to forced labor in China's Uyghur region. *Bloomberg.com*. <https://www.bloomberg.com/news/articles/2023-06-13/temu-sells-products-in-us-linked-to-forced-labor-in-china-s-uyghur-region#xj4y7vzkg>
- Roth, K. (2022, June 20). Beyond russia: The real threat to human rights is from China. *Human Rights Watch*. <https://www.hrw.org/news/2022/06/20/beyond-russia-real-threat-human-rights-china>
- Radio Free Asia, Uyghur students in Egypt detained, sent back to China, 7 July 2017, available at: <https://www.refworld.org/docid/5971a88ea.html> [accessed 12 December 2023]
- SCHÖTTLI, U. (2023, April 4). An Asian demographic decline deepens in Three nations. *GIS Reports*. <https://www.gisreportsonline.com/r/asian-demographic-decline/>
- Textor, C. (2023, June 15). China: Population of Xinjiang 2022. *Statista*. <https://www.statista.com/statistics/1391718/china-population-of-xinjiang-autonomous-region/#:~:text=Population%20Western%20China>
- The Select Committee on the Chinese Communist Party (2022) <https://selectcommitteeontheccp.house.gov/sites/evo-subsites/selectcommitteeontheccp.house.gov/files/evo-media-document/uyghur-genocide-pdf>
- UFLPA Pub. L., 117th Congress, 117-78
- UN, United Nations, UN Treaties, Treaties." United Nations, United Nations, [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mdsg\\_no=IV-1&chapter=4#EndDec](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mdsg_no=IV-1&chapter=4#EndDec). Accessed 19 Feb. 2024.
- U.S. Department of State. (2021, July 1). Forced labor in China's Xinjiang region - United States Department of State. U.S. *Department of State*. <https://www.state.gov/forced-labor-in-chinas-xinjiang-region/>
- "Uyghur Forced Labor Prevention Act Statistics." U.S. *Customs and Border Protection*, [www.cbp.gov/newsroom/stats/trade/uyghur-forced-labor-prevention-act-statistics](http://www.cbp.gov/newsroom/stats/trade/uyghur-forced-labor-prevention-act-statistics). Accessed 30 Apr. 2024.
- Uyghurs tell of China-led intimidation campaign abroad. *Amnesty International*. (2022, October 6). <https://www.amnesty.org/en/latest/research/2020/02/china-uyghurs-abroad-living-in-fear/>
- Wolfgang Fengler, H. K., Pipa, A. F., Mendelson, S. E., Ahmadou Aly Mbaye, A. N., Amar Bhattacharya, H. K., & Kharas, H. (2023, April 14). China and India: The future of the global consumer market. *Brookings*. <https://www.brookings.edu/articles/china-and-india-the-future-of-the-global-consumer-market/>